

United States Senate

WASHINGTON, DC 20510-3905

March 24, 2017

Kevin Minoli
Designated Agency Ethics Official
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Minoli:

As requested, this letter provides clarifying information related to my request of January 27, 2017.

1. Please provide the names of all non-career Senior Executive Service, Schedule C, and Administratively-Determined appointees, noting for each the type of appointment, job title, start date, date that they submitted their Office of Government Ethics (OGE) Form 278, date of their ethics briefing, and confirm that they signed President Trump's Ethics Pledge consistent with Executive Order 13,770.
2. As requested, enclosed is a completed OGE Form 201, with an attachment listing all political appointees identified in EPA's January 31, 2017 letter as well as others media reports indicate may have come onboard. I expect that you will supplement this request with any additional individuals identified in response to question one, and unless you advise this is not possible update this response on a monthly basis.
3. For each employee who did not submit a Form 278 form within 30 days of being appointed, please confirm that an extension was granted and what good cause for the extension was shown pursuant to 5 U.S.C. app. 4 § 101(g)(1); 5 C.F.R. § 2634.201(f).
4. Excluding the Administrator's ethics agreement, which is publicly available, please provide all recusals and ethics agreements that have been finalized. Unless you advise that this is not possible, I request that you update your response to this request on a monthly basis.
5. In your January 31st letter you referred to ethics advice provided to new employees via email after initial ethics briefings. Can you please provide those emails?

In addition, with respect to Executive Order 13,770, I would appreciate answers to the following:

1. What forms or other disclosures are appointees required to submit to ensure compliance with the Executive Order's requirements? Please provide those documents for each individual covered by this request, and update that response accordingly.
2. What is the deadline by which that information has to be submitted?
3. Which entities (e.g., EPA DAEO, OGE) are provided with this information? Additionally, which entity ensures recusals/ethics agreements are in compliance with the EO, and that officials that may have to recuse themselves are not working on issues or

engaged in agency activities that would violate the pledge while their 278s and recusals are being processed/finalized?

4. Please provide copies of any policies or guidance issued by EPA, or issued by any other government agency and pursuant to which EPA is operating, related to the negotiation, review and enforcement of ethics agreements executing Executive Order 13,770.

Thank you for your prompt attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Whitehouse", written in a cursive style.

Senator Whitehouse
United States Senator

Request to Inspect or Receive Copies of Executive Branch Personnel Public Financial Disclosure Reports or Other Covered Records.

OGE Form 201 (November 2014)

I. Application

1. Applicant's name and address (please print):

Joe Gaeta, Suite 530, Hart Senate Office Building
Washington, DC 20510-3905

Agency Use Only

Received date: _____

Filled date: _____

1a. Office telephone number: (202) 224-2921 ext. _____

2. Occupation:

Senior Advisor

3. If application is for or on behalf of any other person or organization, give the other's name:
U.S. Senator Sheldon Whitehouse

3a. Address of the other person or organization:
Suite 530, Hart Senate Office Building
Washington, DC 20510-3905

4. Type of applicant:

☐ news media ☐ private citizen ☐ public interest group ☐ law firm ☐ other private organization ☒ government

5. ☐ Copy of the most recent (or other, specify which and whether to include OGE Form 278-Ts) Public Financial Disclosure Report Form OGE Form 278/SF 278 requested for the following named individual(s):

a. see attached

d. _____

b. _____

e. _____

c. _____

f. _____

Certain other types of records ("covered records") can also be requested using this form (see Part III below); if you are requesting another covered record, check this box ☐ and specify which type of record(s): _____

6. Indicate how you wish to receive this request:

☒ Pick up at OGE ☐ By mail (at the address listed above)

I am aware that this request for access to a public financial disclosure report is an official Government form (OGE Form 201). In completing this OGE Form 201, any intentionally false or misleading statement, certification, or response provided in this form is a violation of law punishable by a fine or imprisonment, or both, under 18 U.S.C. § 1001. Pursuant to section 105(c) of the Ethics in Government Act of 1978 and 5 C.F.R. § 2634.603(f) of the implementing OGE regulation, it is unlawful for any person to obtain or use a report:

- (1) for any unlawful purpose;
- (2) for any commercial purpose, other than by news and communications media for dissemination to the general public;
- (3) for determining or establishing the credit rating of any individual; or
- (4) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

The U.S. Attorney General may bring a civil action against any person who obtains or uses a report for any such prohibited purpose as set forth above. The court may assess against such a person a penalty in any amount not to exceed \$11,000. Such remedy shall be in addition to any other remedy available under statutory or common law.

7. Applicant's signature: _____

Date: 3/24/17

II. Notice of Action

☐ Copies of the report(s) or other covered record(s) you requested are enclosed.

☐ Picked up by (signature): _____ Date: _____

☐ Your request does not comply with the requirements of the statute. Please complete Part I of this form and return so we may comply with your request.

☐ Fees. If applicable, amount: _____ (when fees are required, make out a check payable to the U.S. Treasury and send it to the executive branch agency processing this request form).

(form continued on reverse side)

Form Approved OMB No. 3209-0002

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Question 5 - Named Individuals

Bangerter, Layne
Benton, Don
Brown, Byron
Davis, Patrick
Dravis, Samantha
Ericksen, Doug
Greaves, Holly
Gunasekara, Amanda
Hale, Michelle
Jackson, Ryan
Konkus, David
Kreutzer, David
Munoz, Charles
Schwab, Justin
Schnare, David
Sugiyama, George
David Schnare